GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.Ss – Home Department – Revision Petition of Sri R. Govinda Rao, Inspector of Police, (f) Vizianagaram Rural Circle, against the modified penalty of Censure – Examined- Set-aside- Orders- Issued.

HOME (SERVICES.I) DEPARTMENT

G.O.RT.No. 432 Dated: 07-06-2018
Read the following:-

From the Director General of Police, Andhra Pradesh, Lr.No. 372/T4/2017, dt.16.04.2018.

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ORDER:-

In the reference read above, the Director General of Police, Andhra Pradesh, has reported that Sri R. Govinda Rao, Inspector of Police, (f) Vizianagaram Rural Circle was given a charge, for the following delinquency:-

Charge: Imputation:

"The Charged Officer investigated the Case in Cr.No.106/2014 U/S 302 IPC of Nellimarla P.S, dt. 15.07.2014, that the incident was occurred on 14.07.2014 at about 7.30 Hrs at Boppadam (V) of Nellimarla Mandal and reported on 15.07.2014 at 08.30 Hrs in which the accused Kothakotla Sathyanarayana S/o late Atchin Naidu, 35 Years, Boppadam [v] beat his father Kothakotla Achin Naidu S/o Late Applaswamy, 65 years, with a stick and caused injuries on his head and left leg, due to disputes arose with regards to registration of land. During the investigation of the case, on 20.07.2014 the accused was arrested and sent for remand. Charge sheet was filed on 17.09.2014, and the accused u/s 235(21), Cr. P.C. Vide SC.No.160/2014 and in the case, after altering the section from 324 IPC to 302 IPC, the Charged Officer took up further investigation without proper verification of the case.

The following lapses on the part of the Charged Officer in this case.

1. P.W.7, who acted as inquest panch did not support the case of the prosecution and according to him, the Police held inquest over the dead body of the deceased, but he did not utter the names of the panchayatdars and he does not know the opinion written in inquest panchanama. The Charged officer did not take any care while securing the panchayatdars whether they properly deposed in the court or not.

2. I.O has failed to examine the eye witnesses in this case.

3. I.O has failed to file even letter of advice or RFSL- report in this case.

4. I.O has failed to mention the name of the Magistrate who recorded the statements of the witnesses, u/s, 164 Cr.PC in the memo of evidence to strengthen the prosecution.

5. I.O has failed to mention the name of the Officer in the RFSL who analyzed the material objects concerned in this case in the memo of evidence to strengthen the prosecution.

6. The Medical Officer failed to mention the age of injuries received by the deceased in the post-mortem certificate was issued on correct lines or not.

7. The prosecution also relied upon the circumstantial evidence of recovery of stick alleged to have been used by the accused in assaulting the deceased, which is marked as MO.3. The prosecution also failed to establish that M0.3 was seized from the accused and that it was used by the accused for commission of the offence.

8. The I.O has also failed to establish either direct evidence or circumstantial evidence in this case before filing charge sheet.

(Contid….2)

Charge:

> "Thus he exhibited gross negligence and callous attitude towards his legitimate duties by perfunctory investigation in Cr. No. 106/2014 u/s 302 IPC of Nellimarla P.S".

2. Accordingly, as per procedure prescribed in the APCS (CC&A) Rules, 1991, the Superintendent of Police, Vizianagaram District, awarded the penalty of "PPI for one year without effect" vide Proceedings C.No. 207/A6/PR/2015, dated. 06.11.2015. On the above orders, the Charged Officer submitted an Appeal Petition to the Appellate Authority i.e., Inspector General of Police, North Coastal Zone, which was considered and penalty was modified as 'Censure' vide Proceedings Rc.No.393/A2/Appeal/NCZ-VSP/2016, dated.17.12.2016. Aggrieved by the above said orders, the petitioner has filed a Revision Petition to the Government.

3. Government after careful examination of the entire matter with reference to records/material made available, hereby set aside the modified penalty of "Censure" imposed against Sri R. Govinda Rao, Inspector of Police, (f) Vizianagaram Rural Circle.

4. The Director General of Police, Andhra Pradesh shall take further action accordingly, and the records in the case are returned herewith and the same may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.R. ANURADHA,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri R. Govinda Rao, Inspector of Police, (f) Vizianagaram Rural Circle (through Director General of Police, Andhra Pradesh)
The Director General of Police, Andhra Pradesh. (w.e) (Along with Original records)
Copy to:
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER.